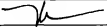


NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 1291.1142101
I hereby certify that this paper(s) is being electronically transmitted to the U.S. Patent and Trademark Office at Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>SEPTEMBER 28, 2007</u> Signature <u></u> Typed or printed name <u>THU H. LE-TO</u>		In re Application of GENE P. DIPOTO Application Number <u>10/693,663</u> Filed <u>OCTOBER 24, 2003</u> For METHODS AND APPARATUSSES FOR FIXATION OF THE SPINE THROUGH AN ACCESS DEVICE Art Unit <u>3733</u> Examiner <u>JAMES L. SWIGER, III</u>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

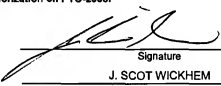
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
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I am the

☐ applicant/inventor.
☐ assignee of record of the entire interest.
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/96)
☒ attorney or agent of record. 41,376
 Registration number
☐ attorney or agent acting under 37 CFR 1.34. SEPTEMBER 28, 2007
 Registration number if acting under 37 CFR 1.34. Date


 Signature
J. SCOT WICKHEM
 Typed or printed name
612.677.9050
 Telephone number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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